

## Initial Statement of Reasons

**CALIFORNIA CODE OF REGULATIONS**  
**TITLE 21. PUBLIC WORKS**  
**DIVISION 1. DEPARTMENT OF GENERAL SERVICES**  
**CHAPTER 1. OFFICE OF THE STATE ARCHITECT**

**SUBCHAPTER 2.5 VOLUNTARY CERTIFIED ACCESS SPECIALIST PROGRAM**

### Article 1 – General Provisions

#### Section 111. Purpose of the Subchapter.

<i>Specific Purpose of the Regulation</i>	This proposed regulation will establish the procedure to be followed by the State Architect or Designee for implementation of the Voluntary Certified Access Specialist Program; <b>Section 111. Purpose of the subchapter.</b> These regulations establish a voluntary program for state certification of qualified and tested candidates as Voluntary Certified Access Specialists.
<i>Necessity</i>	Chapter 872, Statutes of 2003 (Senate Bill 262) calls for the State Architect or Designee to establish and publicize a new voluntary state Access Specialist certification program, requiring the publishing of comprehensive regulations as a new subchapter under Chapter 1, <i>Office of the State Architect</i> , of Division 1 in California Code of Regulations Title 21, <i>Public Works</i> .
<i>Material Relied Upon</i>	<i>Sections 4459.5-4459.8 Government Code</i>

#### Section 112. Authority.

<i>Specific Purpose of the Regulation</i>	This regulation will establish the procedure to be followed by the State Architect or Designee for implementation of the Voluntary Certified Access Specialist Program; <b>Section 112. Authority</b> specifies that only the State Architect or Designee shall have the sole responsibility to determine the eligibility of and to certify individuals as Certified Access Specialists, pursuant to the provisions of Chapter 7, Division 5, Title 1, Government Code, commencing with Sections 4459.5 – 4459.8.
<i>Necessity</i>	This regulation is necessary to make clear that only the State Architect or Designee is delegated with the authority to grant state certification, and to administer the Program as stipulated in these regulations.
<i>Material Relied Upon</i>	<i>Sections 4459.5 – 4459.8 Government Code</i>

### Section 113. CASp Scope of Work.

<i>Specific Purpose of the Regulation</i>	<p>This regulation will establish the procedure to be followed by the State Architect or Designee for implementation of the voluntary Certified Access Specialist Program; <b>Section 113. CASp Scope of Work</b> informs the public of the strict limits to the scope of services of a Certified Access Specialist, upon request by a facility owner:</p> <p><b>(1):</b> Limits Certified Access Specialists to the review of facility plans and specifications for compliance with current state and federal accessibility codes and regulations.</p> <p><b>(2):</b> Limits Certified Access Specialists to the investigation of a facility for compliance with current state and federal accessibility codes and regulations.</p> <p><b>(3)</b> Limits Certified Access Specialists to providing other services relevant to conducting accessibility research, preparing accessibility reports, and/or conducting accessibility inspections, as requested.</p>
<i>Necessity</i>	<p>This regulation is necessary to clarify to users the strict limits to the scope of services performed by a Certified Access Specialist, upon request by a facility owner.</p>
<i>Material Relied Upon</i>	<p>Cite testimony at public workshops. <i>Sections 4459.5-4459.8, Government Code</i></p>

### Section 114. CASp Scope of Work Limited to Design Professionals.

<i>Specific Purpose of the Regulation</i>	<p>This regulation will establish the procedure to be followed by the State Architect or Designee for implementation of the Voluntary Certified Access Specialist Program; <b>Section 114. CASp Scope of Work Limited to Design Professionals</b> specifies that only design professionals licensed and/or registered by the State of California as an architect, landscape architect, civil engineer, and/or structural engineer shall provide professional design services permitted by their applicable license or registration.</p>
<i>Necessity</i>	<p>This regulation is necessary to define the scope of work limited to design professionals.</p>
<i>Material Relied Upon</i>	<p><i>Sections 4459.5-4459.8, Government Code</i></p>

## **Article 2 – Definitions**

### **Section 121. Definitions.**

<i>Specific Purpose of the Regulation</i>	This regulation will establish the procedure to be followed by the State Architect or Designee for implementation of the Voluntary Certified Access Specialist Program; <b>Section 121. Definitions</b> establishes the specific definition of terms used in the regulations and publications to be used by the State Architect or Designee for implementation of the Voluntary Certified Access Specialist Program.
<i>Necessity</i>	To eliminate any misunderstanding as to the terms specific to the duties of Certified Access Specialists
<i>Material Relied Upon</i>	<i>Sections 4459.5 - 4459.8 Government Code</i>

## **Article 3 – Certification Process**

### **Section 131. Candidate Eligibility Application.**

<i>Specific Purpose of the Regulation</i>	This regulation will establish the procedure to be followed by the State Architect or Designee for implementation of the Voluntary Certified Access Specialist Program; <b>Section 131. Candidate Eligibility Application</b> establishes the method by which the Program may designate an applicant as a candidate for Certification. This can be accomplished by informing the candidate of the necessity of submitting a completed Candidate Eligibility Application form to establish eligibility for the certification examination.
<i>Necessity</i>	To specify the procedure for applying to take the certification examination as an access specialist.
<i>Material Relied Upon</i>	<i>Sections 480, 481, 493, 7066,7069,7073 and 7153.1, Business and Professions Code, and Section 4459.5, Government Code</i>

### Section 132. Criminal Convictions.

<i>Specific Purpose of the Regulation</i>	This regulation will establish the procedure to be followed by the State Architect or Designee for implementation of the Voluntary Certified Access Specialist Program; <b>Section 132, Criminal Convictions</b> establishes the methods and means by which The State Architect or Designee may deny acceptance of an applicant into the Program because of a prior criminal conviction as set forth in Section 151 (a) (2). The Program requires the applicant or certificate holder to provide documents concerning criminal convictions as set forth in Section 151 (a) (2) including but not limited to, certified court documents, certified court orders or sentencing documents. Failure to provide those documents may result in application denial, certificate suspension, or denial of certification renewal.
<i>Necessity</i>	To verify to the Program applicants' past conviction/convictions does not potentially place at risk a user of the applicants' services.
<i>Material Relied Upon</i>	Sections 480, 481, 493, 7066, 7069, 7073 and 7153.1, Business and Professions Code, and Section 4459.5 Government Code

### Section 133. Education and Experience.

<i>Specific Purpose of the Regulation</i>	This regulation will establish the procedure to be followed by the State Architect or Designee for implementation of the Voluntary Certified Access Specialist Program; <b>Section 133, Education and Experience</b> requires the candidate to provide verifiable proof of education and experience satisfying the minimum eligibility qualification criteria of the Voluntary Certified Access Specialist program, with which to take the Certified Access Specialist's program examination.
<i>Necessity</i>	To verify a candidate possesses education and experience sufficient to satisfy the minimum eligibility qualification criteria of the Voluntary Certified Access Specialist Program, with which to pass the Certified Access Specialist examination.
<i>Material Relied Upon</i>	Sections 4459.5, 4459.8, Government Code

#### Section 134. Candidate Examination.

<i>Specific Purpose of the Regulation</i>	This regulation will establish the procedure to be followed by the State Architect or Designee for implementation of the Voluntary Certified Access Specialist Program; <b>Section 134, Candidate Examination</b> provides a list of State and Federal documents governing accessibility, from which Certified Access Specialist examination questions will be drawn.
<i>Necessity</i>	To determine, by achieving a minimum passing score; the knowledge, skills and abilities of a candidate with regards to the documents governing accessibility.
<i>Material Relied Upon</i>	<i>Section 4459.5 Government Code</i>

#### Section 135. Certification Qualification.

<i>Specific Purpose of the Regulation</i>	This regulation will establish the procedure to be followed by the State Architect or Designee for implementation of the Voluntary Certified Access Specialist Program; <b>Section 135, Certification Qualification</b> establishes the methods and means by which the Program will acknowledge the attainment of a passing score on the Certified Access Specialist examination, based upon a criterion-referenced passing score procedure meeting the standards and guidelines set forth in the Standards for Educational and Psychological Testing as developed by the National Council on Measurement and Education; and the duration of its term.
<i>Necessity</i>	<p>Receipt of a passing score indicates that the candidate has a knowledge base that reflects current laws and regulations by which a voluntary Certified Access Specialist determines the access compliance of facilities.</p> <p>It is necessary to limit the term of certification to three years, to assure certificate holders remain current with up-to-date state and federal accessibility codes and regulations.</p>
<i>Material Relied Upon</i>	<i>Section 4459.5, Government Code</i>

### Section 136. Certification Renewal.

<i>Specific Purpose of the Regulation</i>		This regulation will establish the procedure to be followed by the State Architect or Designee for implementation of the Voluntary Certified Access Specialist Program; <b>Section 136, Certification Renewal</b> establishes the methods and means by which the Program may renew a Certified Access Specialist's certification for a subsequent three year term; this upon achieving a passing score on a recertification examination.
<i>Necessity</i>		To verify that a Certified Access Specialist continues to maintain a level of competency current with codes and regulations enforced at the time of renewal.
<i>Material Relied Upon</i>		<i>Sections 4459.5, 4459.8(a) &amp; 4459.8(b), Government Code</i>

## Article 4 – Fees

### Section 141. Fees

<i>Specific Purpose of the Regulation</i>	<p>This regulation will establish the procedure to be followed by the State Architect or Designee for implementation of the Voluntary Certified Access Specialist Program; <b>Section 141, Fees</b> establishes the limits as to the types and amounts of Program fees for application for certification, testing and renewal.</p> <p><b>(a) Approval Process.</b> Fees established by the Division of the State Architect, and subsequent revisions to existing fees, are subject to the <i>Administrative Procedure Act</i>, Chapter 3.5 of Part 1 of Division 1 of Title 2 of the Government Code.</p> <p><b>(b) Authorized Fees.</b></p> <p>(i) Initial certification. The total in fees for initial certification is \$1926.00.</p> <ol style="list-style-type: none"><li>1. \$525.00 <i>Application Fee</i>, for processing a Candidate Application; non-refundable.</li><li>2. \$331.00 <i>Candidate Examination Fee</i>, to take the Certification Examination; conditionally refundable.</li><li>3. \$1,070.00 <i>Certification Fee</i>, for program administration over the initial three-year term of certification; non-refundable.</li></ol> <p>(ii) Certification renewal. The total in fees for certification renewal is \$1400.00.</p> <ol style="list-style-type: none"><li>1. \$330.00 <i>Recertification Examination Fee</i>, for reassessment of competence, prior to expiration of the current term of certification; non-refundable.</li><li>2. \$1070.00 <i>Certification Renewal Fee</i>, for program administration over an additional three-year term of certification; non-refundable.</li></ol>
<i>Necessity</i>	<p>To alert candidates for certification to the fees associated with the certification process, and to assure the candidates that fees collected are per and limited by statute. The fees are to enable the Program to be self-supporting and also to be used to offset program development and proposed operating expenses.</p>
<i>Material Relied Upon</i>	<p><i>Sections 4459.8(b)-(c) and 11340.5, Government Code</i></p>

## **Article 5 – Enforcement**

### **Section 151. Grounds for Certification Suspension, or Denial of Certification Renewal.**

<i>Specific Purpose of the Regulation</i>	This regulation will establish the procedure to be followed by the State Architect or Designee for implementation of the Voluntary Certified Access Specialist Program; <b>Section 151, Grounds for Certification Suspension, or Denial of Certification Renewal</b> , limits and describes the conditions under which the State Architect or Designee may suspend or deny renewal of certification as Certified Access Specialist.
<i>Necessity</i>	To clarify the conditions under which the State Architect or his designee may suspend or deny certification as a Certified Access Specialist.
<i>Material Relied Upon</i>	<i>Sections 480 and 481, Business and Professions Code and Sections 4459.5 - 4459.8, Government Code</i>

### **Section 152. Criteria for Rehabilitation.**

<i>Specific Purpose of the Regulation</i>	This regulation will establish the procedure to be followed by the State Architect or Designee for implementation of the Voluntary Certified Access Specialist Program; <b>Section 152, Criteria for Rehabilitation</b> establishes the methods and means by which the Program per Article 5, Section 151 (a). will evaluate the rehabilitation of a certificate holder based on criteria contained within this section.
<i>Necessity</i>	To clarify the criteria to be followed when evaluating the rehabilitation of such person and his/her eligibility for examination or certification based upon Article 5, Section 151(a).
<i>Material Relied Upon</i>	<i>Sections 480 and 481, Business and Professions Code and Sections 4459.5 - 4459.8, Government Code</i>



### Section 153. Filing an Appeal.

<i>Specific Purpose of the Regulation</i>		This regulation will establish the procedure to be followed by the State Architect or Designee for implementation of the Voluntary Certified Access Specialist Program; <b>Section 153, Filing an Appeal</b> establishes the methods and means by which the Program will respond to an appeal of Certification Suspension, or Denial of Certification Renewal.
<i>Necessity</i>		To clarify the protocols to be followed when administering an appeal of Certification Suspension or Denial of Certification Renewal.
<i>Material Relied Upon</i>		<i>Sections 4459.5 – 4459.8, Government Code</i>